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No. 11(112)-80-8Lab./12620.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and the management of M/s Amogh Engineering Works, N.I.T., Faridabad;—

IN THE COURT OF SHRI ISHWAR PRASAD CHAUDHRY, PRESIDING OFFICER,
LABOUR COURT, HARYANA, FARIDABAD

Reference No. 57 of 1979

between

SHRI ABDUL RAZAK, WORKMAN AND THE MANAGEMENT OF M.S. AMOGH ENGG.
WORKS, N.I.T., FARIDABAD

Present :—

Shri Amar Singh Sharma, for the workman.

Shri K.P. Aggarwal, for the respondent-management.

AWARD

This reference No. 57 of 1979 has been referred to this Court by the Hon'ble Governor of Haryana, vide his order No. ID/FD/77/51764, dated 7th December, 1979, under section 10(1)(c) of the Industrial Disputes Act, 1947, for adjudication of the dispute existing between Shri Abdul Razak, workman and the management of M/s. Amogh Engineering Works, N.I.T., Faridabad. The term of the reference was :—

Whether the termination of services of Shri Abdul Razak was justified and in order ? If not, to what relief is he entitled ?

After receiving this reference notices were issued to both the parties who appeared and filed their pleadings. There is only one issue that is as per reference, which is discussed as under :—

The management lead their evidence by producing solitary witness one Shri Rajiv Gera, Managing Partner of the respondent company, who has also produced records, Exhibit M-1 to M-7. The plea of the management is that the claimant workman was a learner and was appointed on 1st May, 1979 and that due to shortage of power his services were terminated on 30th September, 1979. Whereas the case of the claimant workman is that he joined on 1st January, 1979, as a helper and his services were terminated on 3rd October, 1979, as he demanded minimum wages. He further stated that at the time he was terminated four junior workmen, namely, S/Shri Vijay, Bhaumpi, Thompson, and Gopi were retained in employment.

I have carefully gone through the evidences lead by the parties, and find that the evidence lead by the management is inconsistent. The management witness agrees to have issued an appointment letter to this workman but has not produced the copy of the same, which gives rise to the presumption that if produced the same would not substantiate the contention of the management. This document should have been produced to prove the fact that the workman Abdul Razak was learner and not a probationer as alleged by the workman.

In his cross-examination the management witness has stated that the workman received his full and final account at the time of his termination and stepped out of the factory quite happily, but strangely enough no receipt of payment of full and final payment has been produced in the court, but on the contrary it is stated in the written statement para 2 that the workman refused to accept the letter of termination and the same was sent by registered post to him. Had the workman received the full and final settlement, the fact must have been brought in the written statement itself.

The management also failed to prove the fact of shortage of electricity and that no list of seniority was displayed or sent to the Government by them. Exhibit M-2, viz., a photo copy of the register of Adult workers bears the name of the claimant workman Abdul Razak at Serial No. 29. A perusal of this document reveals the name of Vijay Kumar at Serial No. 32 who is also shown as a learner, as having joined the respondent-management after Abdul Razak, workman and this Vijay seems to be the same person as mentioned by the workman in his statement.

In view of the discussion above I hold that the termination of the services of Shri Abdul Razak, workman, is unjustified and illegal.

I, therefore, order that Shri Abdul Razak be re-instated with continuity of his services with full back wages.

This be read in answer of this reference. No order as to costs.

Dated the 4th November, 1980.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endorsement No. 2066, dated 10th November, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

No. 11(112)-80-8Lab./12622.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Goodwill Rubber Industries, Khanda Road, near Laxmi Garden, Gurgaon:—

IN THE COURT OF SHRI ISHWAR PRASAD CHAUDHRY, PRESIDING OFFICER, LABOUR COURT, HARYANA, FARIDABAD

Reference No. 274 of 1980
between

SHRI SUBHASH CHANDER, WORKMAN, AND THE MANAGEMENT OF M/S GOOWILL RUBBER INDUSTRIES, KHANDSA ROAD, NEAR LAXMI GARDEN, GURGAON.

Present:—

Workman with Shri Chhote Lal.

Shri S.K. Goswami, for the Management.

AWARD

This reference No. 274 of 1980 has been referred to this court by the Hon'ble Governor of Haryana, —*vide* his Order No. ID/GGN/23-80/30543, dated 20th June, 1980, under section 10(i)(c) of the Industrial Disputes Act, 1947, for adjudication of the dispute existing between Shri Subhash Chander workman and the management of M/s. Goodwill Rubber Industries, Khanda Road, Near Laxmi Garden, Gurgaon. The term of the reference was:—

Whether the termination of services of Shri Subhash Chander was justified and in order ? If not, to what relief is he entitled ?

After receiving this reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, the following issues were framed on 19th September, 1980:—

1. Whether the reference is bad because the name of the respondent has not been correctly described ?
O. P. M.
2. Whether the respondent are not an Industry under the provision of the I.D. Act, 1947 ? If so, to what effect ? And the provisions of the I.D. Act, are not applicable to the respondent ? O.P.M.
3. Whether the termination of the services of the workman is proper, justified and in order ? If not, to what relief is he entitled ?
4. Relief ?

On 10th October, 1980 one witness of the management as MW1 was examined it and closed its case. On 31st October, 1980, the last date of hearing the case was fixed for the evidence of the workman, when the workman and his authorised representative made a statement on oath in this court that they wanted to withdraw this reference as there is incorrect address of the respondent Company mentioned in the demand notice and this reference, and they wanted to file a fresh demand notice on the same ground along with a few others.

In view of the above statement of the workman and his authorised representative, I give my award accordingly and hold that the reference is bad as no dispute remains to be adjudicated between the parties. If the workman wants, he is at liberty to make a fresh demand notice. No order as to costs. So this award is in answer of this reference.

Dated 3rd November, 1980.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer, Labour Court,
Haryana, Faridabad.

Endst. No. 2064, dated 10th November, 1980.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947, with the request that the receipt of the above-said award may please be acknowledged within week's time.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court, Haryana, Faridabad.

No. 11(112)-30-8Lab./12623.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and management of M/s. Sonepat Engineering Works, Industrial Estate, Sonepat.

IN THE COURT OF SHRI ISHWAR PRASAD CHAUDHRY, PRESIDING OFFICER, LABOUR COURT,
HARYANA, FARIDABAD
Reference No. 414 of 1980.

between

SHRI KRISHAN KUMAR, WORKMAN AND THE MANAGEMENT OF M/S. THE SONEPAT ENGINEERING WORKS, INDUSTRIAL ESTATE, SONEPAT.

Present:—Shri Ram Sarup Lakra, for the workman.

Shri Rajinder Singh, for the Management.

AWARD

This reference No. 414 of 1980 has been referred to this court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/SPT/127—80/45827, dated 27th August, 1980 under section 10(i) (c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Krishan Kumar, workman, and the management of M/s. The Sonepat Engineering Works, Industrial Estate, Sonepat. The term of the reference was:—

“Whether the termination of services of Shri Krishan Kumar, was justified and in order? If not, to what relief is he entitled?”

On receipt of the order of reference, notices were issued to the parties for 17th September, 1980 for the office of the Labour Officer-cum-conciliation Officer, Sonepat for claim statement. On that day, the representative of the workman was present without authority letter but none was present for behalf of the management and I held the *ex parte* proceeding against the management. Summons had been received by them. Then the case was fixed for the *ex parte* evidence of the workman for 29th October, 1980 at Sonepat. On that day, both the parties appeared and the representative of the workman Shri Ram Sarup Lakra made a statement that he had no instructions from the workman concerned despite his informing him in this case. He further stated that he was no more interested in the dispute and did not want to pursue this reference now. He also stated that he had withdrawn this reference.

As neither the workman himself nor his authorised representative were interested in pursuing the dispute therefore, I give my award that there exists no dispute between the parties on the issues so referred to this court for adjudication. I thus answer the reference while returning the award in these terms. No order as to costs.

Dated 3rd November, 1980.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court, Haryana, Faridabad.

Endst. No. 2063, dated 10th November, 1980.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Department Chandigarh, as required under section 15 of Industrial Disputes Act, 1947, with the request that the receipt of the above-said award may please be acknowledged within week's time.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer, Labour Court, Haryana,
Faridabad.